

Petition Number: 1103-V5-01  
Date of Filing: 02/25/11

**Application for VARIANCE OF DEVELOPMENT STANDARD  
Westfield – Washington Township  
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Bruce E. Osborne  
Address 612 King Drive  
Indianapolis, IN 46260  
Telephone Number 317-258-7483 (c) / 317-259-0258 (h)  
E-Mail Address osborne.bruce@gmail.com
2. Landowner's Name Elijah C. and Katherine M. Moffett  
Address 245 3<sup>rd</sup> Ave NE  
Carmel, IN 46032  
Telephone Number 317-946-4561
3. \*Representative \_\_\_\_\_  
\*Address \_\_\_\_\_  
\_\_\_\_\_  
\*Telephone Number \_\_\_\_\_  
\*Email Address \_\_\_\_\_

\*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)  
1206 West 161<sup>st</sup> Street; Westfield  
\_\_\_\_\_  
\_\_\_\_\_
5. Legal description of property (list below or attach)  
Parcel 08-09-10-00-00-032.001  
\_\_\_\_\_  
\_\_\_\_\_
6. Complete description of the nature of the development standard variance applied for:  
Variance of Standard WC 16.04.030, B, 7. We are requesting permission for the height of the primary building to be up to 39' high.  
Variance of Standard WC 16.04.100, 2.d. We are requesting permission for the height of an accessory building to be up to 34' high.  
\_\_\_\_\_  
\_\_\_\_\_

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

- a. Lot(s) shape and dimensions;
- b. Location and dimensions of existing and proposed structures;
- c. Location and dimensions of existing and proposed points of ingress and egress; and
- d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

*No variance of development standard shall be granted unless the BZA finds all of the following to be true:*

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Correct. The building heights on the primary and accessory buildings do not cause injury to the community.

---

---

---

---

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Correct. The impact to adjacent property will not have a substantially adverse effect. The property in question sits lower than its neighbors. The homes to the south on 161<sup>st</sup> St. are up higher, and blocked by a thick stand of trees or existing farm buildings. To the east, the homes are much higher due to the developer raising the ground, plus they are offset by a mature tree line.

---

---

---

---

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Correct. The roll of the land may require us to build the primary building just over the 35' limit. I am planning on a maximum of 33', but do not want to risk going over if the slope of the ground requires a different measuring point. The roof may be as steep as 12/12 pitch and pushes our home higher than usual.

---

---

---

---

The accessory building must be over the 18' limit in order to get a loft/useable second floor space. It will remain lower than the primary building, but will have the same farmhouse style and steeper roof pitch.

---

---

---

---

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.



\_\_\_\_\_  
Applicant

SUBSCRIBED AND SWORN TO ME THIS 23 DAY OF February, 20N.



\_\_\_\_\_  
Notary Public

My commission expires: 8-24-18

Petition Number: \_\_\_\_\_

Date of Filing: 02/25/11

**Application for VARIANCE OF DEVELOPMENT STANDARD  
Westfield – Washington Township  
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Bruce E. Osborne  
Address 612 King Drive  
Indianapolis, IN 46260  
Telephone Number 317-258-7483 (c) / 317-259-0258 (h)  
E-Mail Address osborne.bruce@gmail.com
2. Landowner's Name Elijah C. and Katherine M. Moffett  
Address 245 3<sup>rd</sup> Ave NE  
Carmel, IN 46032  
Telephone Number 317-946-4561
3. \*Representative \_\_\_\_\_  
\*Address \_\_\_\_\_  
\_\_\_\_\_  
\*Telephone Number \_\_\_\_\_  
\*Email Address \_\_\_\_\_

\*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)  
1206 West 161<sup>st</sup> Street; Westfield  
\_\_\_\_\_  
\_\_\_\_\_
5. Legal description of property (list below or attach)  
Parcel 08-09-10-00-00-032.001  
\_\_\_\_\_  
\_\_\_\_\_
6. Complete description of the nature of the development standard variance applied for:  
Variance of Standard WC 16.04.030, A, 2, a. We are requesting permission to build an accessory building prior to the erection of the principal building.  
Variance of Standard WC 16.04.100, 2,b,iii. Approval to allow occupancy of an accessory building prior to the erection of a principal building.  
Approval would allow us to construct a livable barn we could use to stage our construction activity, and give my family a place to live in while our house is constructed.

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

- a. Lot(s) shape and dimensions;
- b. Location and dimensions of existing and proposed structures;
- c. Location and dimensions of existing and proposed points of ingress and egress; and
- d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

*No variance of development standard shall be granted unless the BZA finds all of the following to be true:*

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Correct. The accessory building would not present a public health concern and would be connected to Westfield sanitary service and have appropriate construction that could be suitable for dwelling as needed. It does permit us to be present to oversee construction activities of the primary building and would create a potentially safer environment – keeping an eye on the primary while it is underway.

---

---

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Correct. The impact to adjacent property should be beneficial. The accessory building proposed would enable us to build proceed with building our primary residence on currently fallow ground. We would hope this would raise property values, without encroaching or limiting anyone's land or use of it.

---

---

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Correct. The zoning ordinance now would prevent us from proceeding with the construction in a feasible way. We do not think it is responsible to own our current residence and build our new home at the same time. But we can build the accessory building more rapidly and then proceed with our primary residence.

---

---

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

  
\_\_\_\_\_  
Applicant

SUBSCRIBED AND SWORN TO ME THIS 25 DAY OF February, 2011.

  
\_\_\_\_\_  
Notary Public

My commission expires: 8/26/18

Petition Number: \_\_\_\_\_

Date of Filing: 02/25/11

**Application for VARIANCE OF DEVELOPMENT STANDARD  
Westfield – Washington Township  
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Bruce E. Osborne  
Address 612 King Drive  
Indianapolis, IN 46260  
Telephone Number 317-258-7483 (c) / 317-259-0258 (h)  
E-Mail Address osborne.bruce@gmail.com
2. Landowner's Name Elijah C. and Katherine M. Moffett  
Address 245 3<sup>rd</sup> Ave NE  
Carmel, IN 46032  
Telephone Number 317-946-4561
3. \*Representative \_\_\_\_\_  
\*Address \_\_\_\_\_  
\_\_\_\_\_  
\*Telephone Number \_\_\_\_\_  
\*Email Address \_\_\_\_\_

\*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)  
1206 West 161<sup>st</sup> Street; Westfield  
\_\_\_\_\_  
\_\_\_\_\_
5. Legal description of property (list below or attach)  
Parcel 08-09-10-00-00-032.001  
\_\_\_\_\_  
\_\_\_\_\_
6. Complete description of the nature of the development standard variance applied for:  
Variance of Standard WC 16.04.030, B, 5. We are requesting a variance to reduce the minimum road  
frontage requirement from 20' (as approved by 0604-VS-033 to 18'  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

- a. Lot(s) shape and dimensions;
- b. Location and dimensions of existing and proposed structures;
- c. Location and dimensions of existing and proposed points of ingress and egress; and
- d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

*No variance of development standard shall be granted unless the BZA finds all of the following to be true:*

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Correct. The variance to reduce has already been approved, but was made off of a plot plan that incorrectly indicated the width of the land at 20' when it touched 161<sup>st</sup> St. The legal description indicates the width of the property to be 18' at that point. There would be no injury with this change.

---

---

---

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Correct. This variance simply fixes a previous error in variance 0604-VS-033.

---

---

---

---

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Correct. The variance as previously passed would not technically permit a residence to be built on this property.

---

---

---

---



TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

  
\_\_\_\_\_  
Applicant

SUBSCRIBED AND SWORN TO ME THIS 25 DAY OF February, 20 11.

  
\_\_\_\_\_  
Notary Public

My commission expires: 8-24-18

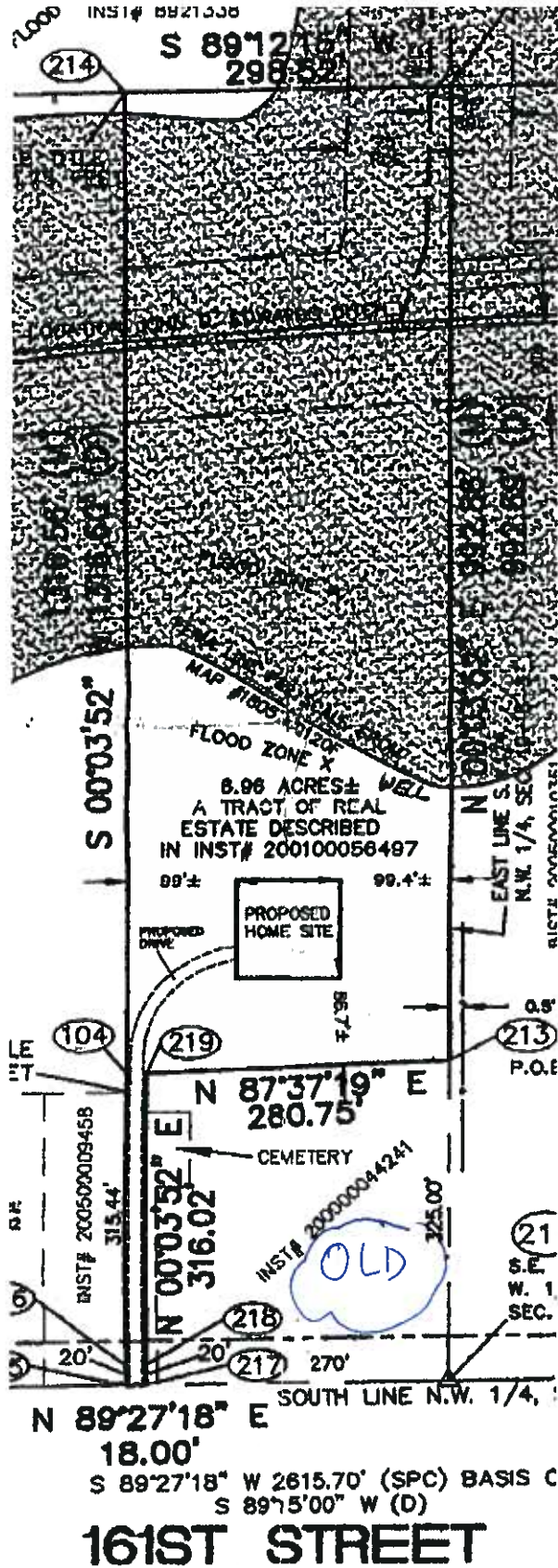
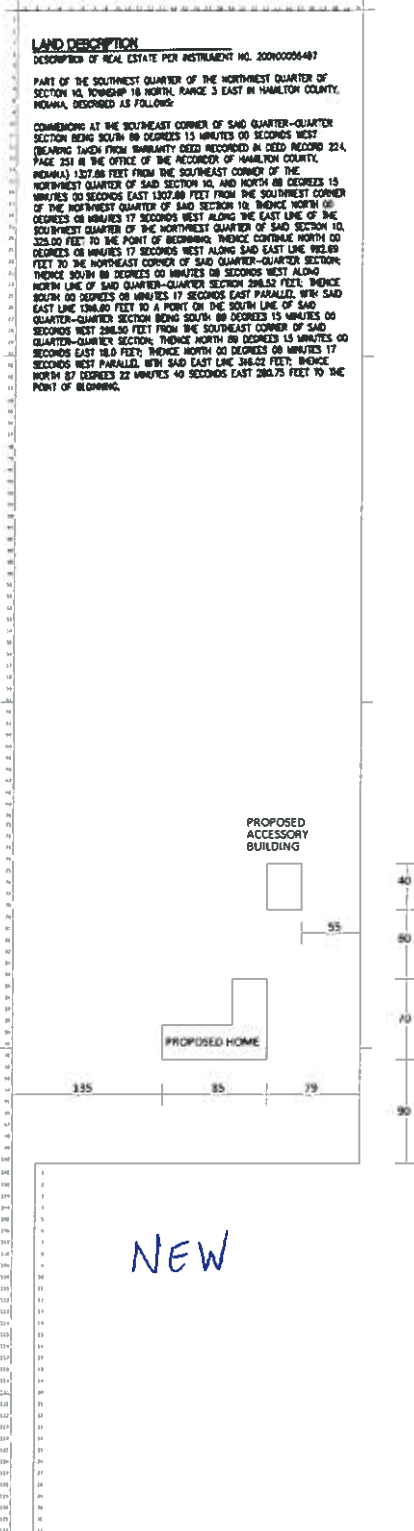
PLOT PLAN FOR 1206 W. 161ST STREET  
 BASED ON RETRACEMENT SURVEY BY  
 MILLER SURVEYING, DATED 6/16/05  
 SHOWING PROPOSED PROPERTY  
 SUBMITTED BY BRUCE OSBORNE, 2/25/11

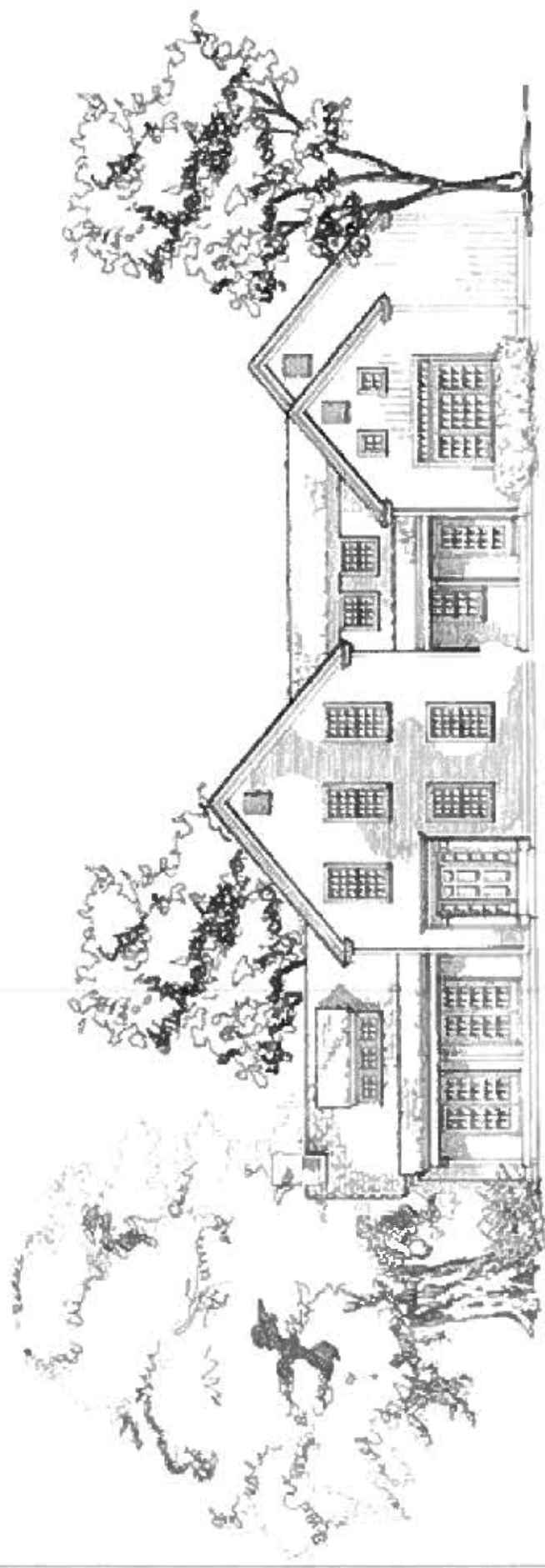
**LAND DESCRIPTION**

DESCRIPTION OF REAL ESTATE PER INSTRUMENT NO. 20060000487

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION NO. 10, TOWNSHIP 18 NORTH, RANGE 3 EAST IN HAMILTON COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER-QUARTER SECTION BEING SOUTH 89 DEGREES 15 MINUTES 00 SECONDS WEST (BEARING TAKEN FROM WARRANTY DEED RECORDED IN DEED RECORD 224, PAGE 254 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, IOWA) 1207.88 FEET FROM THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10, AND NORTH 89 DEGREES 15 MINUTES 00 SECONDS EAST 1207.88 FEET FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10, THENCE NORTH 00 DEGREES 00 MINUTES 17 SECONDS WEST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10, 325.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE NORTH 00 DEGREES 00 MINUTES 17 SECONDS WEST ALONG SAID EAST LINE 982.89 FEET TO THE NORTHEAST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 89 DEGREES 00 MINUTES 00 SECONDS WEST ALONG NORTH LINE OF SAID QUARTER-QUARTER SECTION 280.52 FEET, THENCE SOUTH 00 DEGREES 00 MINUTES 17 SECONDS EAST PARALLEL WITH SAID EAST LINE 138.80 FEET TO A POINT ON THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION BEING SOUTH 89 DEGREES 15 MINUTES 00 SECONDS WEST 280.50 FEET FROM THE SOUTHEAST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 89 DEGREES 15 MINUTES 00 SECONDS EAST 18.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 17 SECONDS WEST PARALLEL WITH SAID EAST LINE 346.02 FEET; THENCE NORTH 87 DEGREES 22 MINUTES 40 SECONDS EAST 280.75 FEET TO THE POINT OF BEGINNING.





1206 w. 161<sup>st</sup> St.

1103-VS-01

Barn image



This is the basic design we are proposing for the Accessory Structure.



Parcel 08-09-10-00-00-032.001

1206 W. 161<sup>st</sup> Street; Westfield

Variance Request

Birdseye view from the east



© 2010 AERIAL PHOTOGRAPHY

APPROXIMATE PRIMARY + ACCESSORY  
BUILDING LOCATIONS - NOT TO SCALE



Parcel 08-09-10-00-00-032.001

1206 W. 161<sup>st</sup> Street; Westfield

Variance Request

Birdseye view from the east - closer





1206 W. 161<sup>st</sup> Street; Westfield

**Aerial view, orientation North**

